

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

FILED	
DATE: <u>6-9-2011</u>	
<u>4:51</u> o'clock <u>P.M.</u>	
Sandra K Markham, Clerk	
BY: <u>T. Brogdon</u>	
Deputy	

DIVISION PRO TEM B

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: T. Brogdon, Deputy Clerk

CASE NO. V1300CR201080049

DATE: June 9, 2011

TITLE:  
STATE OF ARIZONA,

COUNSEL:  
Yavapai County Attorney  
By Sheila Polk  
Bill Hughes  
(Via OnBase)  
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,  
(Defendant)

Thomas K. Kelly  
(Via Electronic Mail)  
(For Defendant)  
and  
Luis Li/Brad Brian/Truc Do/Miriam Seifter  
MUNGER TOLLES & OLSON LLP  
(Via Electronic Mail)  
(For Defendant *Pro Hac Vice*)

HEARING ON:  
JURY TRIAL – DAY 50

NATURE OF PROCEEDINGS

COURT REPORTER  
Mina Hunt

START TIME: 9:19 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Counsel for Defendant
Luis Li, <i>Pro Hac Vice</i> Counsel for Defendant
Truc Do, <i>Pro Hac Vice</i> Counsel for Defendant
Miriam Seifter, <i>Pro Hac Vice</i> Counsel for Defendant

The Court, Counsel, Detective Diskin, Defendant, and the Jury are present in the Courtroom.

Dr. Ian Paul having been previously sworn, resumes testimony.

The Jury is reminded of the admonition; Dr. Ian Paul is reminded of the Rule for the exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 10:57 a.m. Court reconvenes, all previously appearing parties and the Jury are present.

Dr. Ian Paul resumes testimony.

The Jury is reminded of the admonition; Dr. Ian Paul is reminded of the Rule for the exclusion of witnesses and excused for the noon recess.

~~~Noon Recess~~~

At 1:32 p.m. Court reconvenes, all previously appearing parties and the Jury are present.

Dr. Ian Paul resumes testimony.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

Questions for the witness are submitted by the Jury, are discussed at sidebar and questions #1 through #3 are asked and answered by the witness.

Dr. Ian Paul is reminded of the Rule for the exclusion of witnesses and excused.

The Jury is reminded of the admonition and excused for a recess.

~~~Recess~~~

At 3:19 p.m. Court reconvenes, all previously appearing parties are present. The Jury is not present.

Counsel for Defendant advises they intend to move in several exhibits as stated on the record and subject to evidentiary issues, intend to rest.

The Court inquires if Defendant will testify. Defendant after acknowledging his rights, declines to testify.

Court and Counsel discuss rebuttal and jury instructions.

Counsel for Defendant renew their Rule 20 Motion.

Court and Counsel discuss outstanding issues and prior Court rulings.

Exhibits 417-440, 442-447, and 1084-1086 are offered. There being an objection by Counsel for State, oral argument ensues.

~~~Recess~~~

At 3:48 p.m. Court reconvenes, all previously appearing parties and the Jury are present.

The Jury is advised the evidence will be completed next week, there are legal matters to attend to, are excused and advised Court will resume next Tuesday at 9:15 a.m. The Jury is reminded of the admonition and exits the Courtroom.

Court and Counsel discuss Exhibits 1018, 1019 and 1020. **IT IS ORDERED** the State shall redact the three exhibits pursuant to discussion and submit the redacted exhibits for substitution.

Counsel for State advises they are willing to stipulate to Exhibits 417-440 and 442-447.

Exhibits 154, 184 and 220 are offered. **IT IS ORDERED** pursuant to stipulation of Counsel, Exhibits 154, 184, 220, 417-440, and 442-447 are admitted into evidence.

The Court advises Exhibit 1087 will be part of the record but is not admitted as an exhibit.

~~~Recess~~~

At 4:19 p.m. Court reconvenes, all previously appearing parties and the Jury are present.

Court and Counsel resume discussion of Exhibits.

Counsel resumes argument of their positions with regard to Exhibits 1084-1086.

Counsel plays audio excerpt Exhibit 1084 in open Court.

Court and Counsel discuss final jury instructions. Counsel for Defendant advises of remaining legal issues. Counsel for State requests time to finalize what they would like to submit to the Court in terms of jury instructions.

The Court directs Counsel to return at 9:30 a.m. tomorrow to take up the remaining legal issues and jury instructions.

The Court stands adjourned for the day.

**END TIME: 4:51 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Camp Verde Superior Court Building